

REMARKS

This communication responds to the Office Action mailed on July 25, 2007. Claim 1, 16, 31, and 33 are amended, no claims are canceled, and no claims are added; as a result, claims 1-38 are now pending in this application. Applicants respectfully submit that the amendments of claim 1, 16, 31, and 33 are fully supported by the instant application (e.g., par. 0024, Figure 8A, and par. 0078) and do not introduce any new matter.

Examiner Interview Summary

Applicants would like to thank Examiner Scott D. Au for the courtesy of a phone interview on October 03, 2007 between the Examiner and Applicants' representative Ali Mireshghi. During the interview, the rejections of claims 1 and 33 were discussed. With respect to the section 102 rejection of claim 1, an agreement was reached that Beigel does not disclose the claimed *oscillator calibration value*. Regarding the section 101 and 112 rejections of claim 33, the parties agreed that Applicants' representative would fax a proposed amendment to the Examiner for review, prior to the preparation of this response.

§101 Rejection of the Claims

Claim 33 was rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

In consideration of the above rejection, claim 33 has been amended to include machine-readable medium storing data structure. The data structure as recited in the amended claim, when executed on a machine causes the machine to perform the act of simulating an electronic circuit. Thus, structural and functional interrelationship between the data structure and software and hardware components are defined. Also, the specification of the application has been amended to remove "signals" from the list of machine-readable items, as suggested by the Examiner, in a response to the faxed proposed amendments to claim 33 by Applicants' representative. Accordingly, Applicants respectfully submit that the rejection under 35 U.S.C. § 101 of claim 33 has been overcome and it is requested the 101 rejection of the claim be reconsidered, in light of the amendments, and withdrawn.

§112 Rejection of the Claims

Claims 33-38 were rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 33 has been amended to remove the term “description”. As amended, the claim includes simulation of circuit operations, which is directly supported by the specification (e.g., par. 0078).

As such, Applicants respectfully submit that, at least for the reasons set forth above, the 112 rejections of claim 33 and its dependent claims 34-38 are overcome. Thus, it is requested, in light of the amendment, the claim rejections under 35 U.S.C. § 112 be reconsidered and withdrawn.

§102 Rejection of the Claims

Claims 1-2, 4-14, 16-17, 19-29, 31 and 32 were rejected under 35 U.S.C. § 102(b) for anticipation by Beigel et al. (U.S. 6,249,212, hereinafter “Beigel”). Applicants respectfully submit that the Office Action does not make out a *prima Facie* case of anticipation because Beigel does not teach each and every element of the Applicants’ claimed subject matter.

To anticipate a claim, the reference must teach every element of the claim. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”¹ Amended claim 1 recites, in pertinent part:

A radio-frequency identification (RFID) tag including:

a non-volatile memory to store an oscillator calibration value received from a calibration module;

an oscillator, coupled to the non-volatile memory, to receive the oscillator calibration value from the non-volatile memory, and to generate an oscillation frequency signal

¹ Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir.1987)

within the RFID tag utilizing the oscillator calibration value;

(Emphasis added)

Applicants respectfully submit that in light of the arguments presented in the Applicants' response to the Final Office Action (mailed November 15, 2006), the agreement reached in the Examiner Interview, a summary of which is included above, and further clarifications resulting from the Applicants' amendment to claim 1, Beigel does not disclose an *oscillator calibration value*, as recited in claim 1. As such, at least for the reasons set forth above, claim 1 and its dependent claims 2 and 4-14 are not anticipated by Beigel and are believed to be in a condition for allowance.

The same arguments as presented with respect to claim 1 are also applicable in a consideration of independent claims 16 and 31. As such, at least for the same reasons noted above with respect to claim 1, claims 16 and 31 and their respective dependent claims 17, 19-29, and 31-32 are not anticipated by Beigel and are believed to be allowable. Accordingly, Applicants respectfully request that the claim rejections under 35 U.S.C. § 102(b) be reconsidered and withdrawn.

§103 Rejection of the Claims

Claims 3, 15, 18 and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Beigel et al. as applied to claims 1 and 16 above, and further in view of Beauvillier et al. (U.S. 6,104,291, hereinafter "Beauvillier"). Applicants respectfully submit that the Office Action did not make out a *prima facie* case of obviousness because the cited combination of references fail to teach or suggest all of the elements of Applicants' claimed subject matter.

The reference (or references when combined) must teach or suggest all the claim elements.² Claims 3, 15, 18, and 30 are dependent on claims 1, and 16, thus, they are deemed to include the same limitations as the claims they depend from. As such, at least for the same reasons discussed above with respect to claims 1 and 16 above, Beigel fails to anticipate claims 3, 15, 18 and 30. The Office does not assert, and the Applicants do not find, that Beauvillier

² M.P.E.P. § 2142 (citing *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir. 1991))

provides those elements lacking in Beigel. Accordingly, Applicants respectfully submit that a *prima facie* case of obviousness for the claims, based on Beigel, in view of Beauvillier cannot be established. Thus, claims 3, 15, 18, and 30 are believed to be allowable.

Claims 33-38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Beigel et al., in view of Segal (U.S. 6,496,972).

Independent claim 33 includes the limitation “*to receive the oscillator calibration value,*” which, as discussed above, with respect to claim 1, is not provided by Beigel. As such, Beigel does not anticipate claim 33 and its dependent claims 34-38. The Office does not assert, and the Applicants do not find, that Segal provides this element, lacking in Beigel. Accordingly, Applicants respectfully submit that a *prima facie* case of obviousness for the claims, based on Beigel, in view of Segal, cannot be established. Thus, claims 33-38 are believed to be allowable.

As such, Applicants respectfully request that the claim rejections under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

RESERVATION OF RIGHTS

In the interest of clarity and brevity, Applicants may not have addressed every assertion made in the Office Action. Applicants’ silence regarding any such assertion does not constitute any admission or acquiescence. Applicants reserve all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicants do not admit that any of the cited references or any other references of record is relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner’s personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicants timely object to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicants reserve all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of

priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at 408-278-4042 to facilitate prosecution of this application. If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 12th, day of October 2007.

Dawn R. Shaw

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